

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

In re:) CASE NO: 09-51666
) Chapter 13
Jason Andrew Nesbitt)
)
Theresa Marie Nesbitt)
)
Debtor(s).) Judge Marilyn Shea-Stonum
)
ITEMIZATION IN SUPPORT
OF APPLICATION FOR
ADDITIONAL COMPEN-
SATION

Now comes Robert M. Whittington, Jr., attorney for the above-captioned debtors, who hereby submits the following itemization in support of his application for additional compensation of \$350.00 filed herein, *viz.*,

| Date | Service rendered | Time expended, hours in tenths |
|---------|---|--------------------------------|
| 1/21/11 | Reviewed motion for for relief, sent copy to clients with form cover ltr. | 0.25 |
| 2/14/11 | Discussed with paralegal her tel. conv. w/ clients, drafted and uploaded re- sponse to motion for re- lief | 0.50 |
| 2/16/11 | Reviewed 9:55 a.m. e- mail from June Smith, (Exhibit A) downloaded and reviewed proof of claim from PACER, downloaded and reviewed chapter 13 trustee's on-line interim report, and sent 10:20:59 e-mail (Exhibit B) | 0.33 |
| 2/16/11 | E-mail exchanged with June Smith, Exhibits C, D and E. | 0.33 |
| 2/16/11 | Analyzed loan history to verify accuracy of | 0.50 |

| | | |
|---------|--|------|
| 2/18/11 | mortgagor's statements in aforementioned e-mail. Exhibit I. Calculated effect of settlement on feasibility of plan. Exhibit H. E-mailed paralegal to schedule appt. with clients to review feas- ibility. Exhibit G. Reviewed and approved agreed order | 0.10 |
|---------|--|------|

Total time expended: 2.01

WHEREFORE, Robert M. Whittington, Jr. hereby respectfully submits the foregoing itemization of time in support of his motion for additional compensation.

Respectfully Submitted,

/s/ Robert M. Whittington, Jr. 0007851
159 S. Main St., Suite 1023
Akron, OH 44308
330 384 8484
fax 330 384 8953
elkwhitt@neo.rr.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing itemization was sent by electronic ECF notification this 8th day of March, 2011 and by ordinary mail, postage prepaid, to:

Jason and Theresa Nesbitt
1819 Silver Lake Ave.
Cuyahoga Falls, OH 44223

/s/ Robert M. Whittington, Jr.

Subject: Re: Nesbitt, Jason & Theresa 09-51666
From: Robert Whittington <rwhittings@sprintmail.com>
Date: Wed, 16 Feb 2011 10:20:59 -0500
To: June Smith <jsmith@albanandcarlson.com>
CC: Carla Irvin <carlairvin@gmail.com>

To be clear, your client already filed a claim in the case for prepetition arrearage for \$4,483.89 that you've included in your \$12,363.00 figure. The chapter 13 trustee already has paid \$1,270.41 of the prepetition arrearage. Therefore, I'm assuming that your client is proposing to file a new claim for \$2,919.95 (which is the \$7,919.95 amount you have in your motion for postpetition arrears less the \$5,000.00 that the debtors would pay outside the plan) plus \$150.00 in costs.

Thanks.

Robert M. Whittington, Jr.

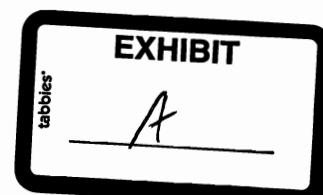


On 2/16/2011 9:55 AM, June Smith wrote:

We called the Court with regard to the MFR filed by Nationwide Advantage Mortgage and have removed this case from tomorrow's docket to give us a little time to finalize the attached Agreed Order and get it uploaded to the Court.

This proposed Agreed Order incorporates the debtors' proposed payment of \$5,000.00 by March 1st with the balance of the arrearage to be paid within the plan. The arrearage due is broken down as follows:

| | |
|--------------------------------------|-----------------|
| 13 payments at \$951.00 each | \$12,363.00 |
| 13 late charges at \$38.04 each | 494.52 |
| Prior uncollected late charges | 341.08 |
| Fees to defend objection | 275.00 |
| Property inspection fees | 17.00 |
| NSF fees | 80.00 |
| Unapplied funds | (180.72) |
| Court costs for MFR | <u>150.00</u> |
| | |
| Total arrearage due | \$13,539.88 |
| | |
| Less proposed reinstatement payment | <u>5,000.00</u> |
| | |
| Arrearage balance to be paid in plan | \$ 8,539.88 |



Debtors' next regular monthly payment would be due March 1, 2011.

Please let us hear from you at the earliest possible time so we may resolve this matter.

Thank you

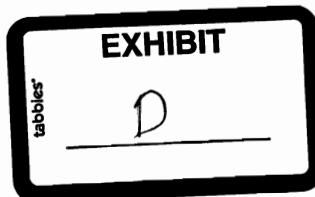
June Smith
Alban & Alban, LLP
7100 North High Street, #102
Worthington, Ohio 43085
Phone (614) 340-4044
Fax (614) 340-4042

Fax (614) 340-4042

From: Robert Whittington [mailto:rwhittings@sprintmail.com]
Sent: Wednesday, February 16, 2011 10:40 AM
To: June Smith
Subject: Re: Nesbitt, Jason & Theresa 09-51666

I believe you are incorrect. I have cut and pasted the information that you set forth on the worksheet attached to your motion as Exhibit "C." As you please will see, the \$12,363.00 figure does include \$4,483.89 of prepetition arrears that already is included in the proof of claim previously filed by your client. The amount that your worksheet avers is owed for postpetition arrears is \$7,919.95.

Please review and advise. Thank you.



Arrearages:

BEFORE DATE OF FILING: \$ 4,483.89

AFTER DATE OF FILING: \$ 7,919.95

TOTAL ARREARAGES: \$12,403.84

On 2/16/2011 10:27 AM, June Smith wrote:

The pre-petition arrearage figure is NOT included in the \$12,363.00 figure. Debtors have 13 payments due post petition. The loan is contractually due for the December, 2009, payment and post petition due for the February, 2010, payment. A post-petition payment history is attached to our MFR.

Thank you

June Smith

Alban & Alban, LLP

7100 North High Street, #102

Worthington, Ohio 43085



June Smith

Alban & Alban, LLP

7100 North High Street, #102

Worthington, Ohio 43085

Phone (614) 340-4044

Fax (614) 340-4042

From: Robert Whittington [mailto:rwhittings@sprintmail.com]

Sent: Wednesday, February 16, 2011 10:48 AM

To: June Smith

Subject: Re: Nesbitt, Jason & Theresa 09-51666

Please provide an explanation for the discrepancy. Thanks.

Robert M. Whittington, Jr.

On 2/16/2011 10:46 AM, June Smith wrote:

The worksheet is incorrect and we can amend, if necessary.



Thank you

June Smith

Alban & Alban, LLP

7100 North High Street, #102

Worthington, Ohio 43085

Phone (614) 340-4044

Subject: Re: Nesbit, Theresa
From: Robert Whittington <rwhittings@sprintmail.com>
Date: Wed, 16 Feb 2011 11:33:53 -0500
To: Carla Irvin <carlairvin@gmail.com>

Call her and set up an appointment to have her bring in paystubs. Send her a budget form. Must show that she can pay what she's proposing and modify the plan.

On 2/16/2011 11:07 AM, Carla Irvin wrote:

She says fine.



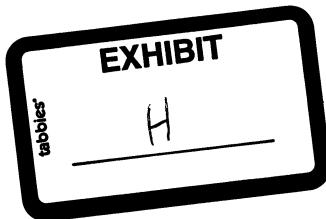
acs. H

12,363.00 rest post. anns per e-mail
- 8,000.00 paid outside

7,363.00 to be paid for postpet. anns
150.00 costs
300.00 atty fees
546.91 trustee
8359.91

11,187.92 plan balance as of 2/10/11
11,187.92 + 43 remaining mss =
263.10/mo. ~

210/biweekly for 43 month
from today



2/10/11

327

EXHIBIT

tables

I

Account # 1449098
 BK Filed 4/23/2009
 First Post Pet 5/1/2009 9/1/2009
 Amount 943 \$ 951.00

| Due Date | Date Rcvd | Payment amount | Amount rcvd | Unapplied funds | | Late Charge Assessed | Late Charge Paid |
|-------------|-----------|----------------|-------------|-----------------|-----------|----------------------|------------------|
| | | | | balance | 37.72 | | |
| May 5/1/09 | 6/8/09 | \$ 943.00 | \$ 980.72 | \$ 37.72 | \$ 37.72 | | |
| June 6/1/09 | 7/7/09 | \$ 943.00 | \$ 943.00 | \$ 37.72 | \$ 37.72 | | |
| July 7/1/09 | 9/15/09 | \$ 943.00 | \$ 1,000.00 | \$ 94.72 | \$ 37.72 | | |
| | 8/1/09 | \$ 943.00 | \$ 980.00 | \$ 131.72 | \$ 37.72 | | |
| | 8/1/09 | 10/5/09 | \$ (943.00) | \$ (980.00) | \$ 94.72 | \$ (37.72) | NSF 1ST |
| | 8/1/09 | 10/5/09 | \$ 943.00 | \$ 980.00 | \$ 131.72 | \$ 37.72 | |
| | 8/1/09 | 10/12/09 | \$ (943.00) | \$ (980.00) | \$ 94.72 | \$ (37.72) | NSF 2ND |
| | 8/1/09 | 10/29/09 | \$ 943.00 | \$ 980.00 | \$ 131.72 | \$ 37.72 | |
| | 9/1/09 | 12/31/09 | \$ 951.00 | \$ 951.00 | \$ 131.72 | \$ 38.04 | |
| | 9/1/09 | 1/8/10 | \$ (951.00) | \$ (951.00) | \$ 131.72 | \$ (38.04) | NSF 1ST |
| | 9/1/09 | 1/8/10 | \$ 951.00 | \$ 951.00 | \$ 131.72 | \$ 38.04 | |
| | 9/1/09 | 1/15/10 | \$ (951.00) | \$ (951.00) | \$ 131.72 | \$ (38.04) | NSF 2ND |
| | 9/1/09 | 2/1/10 | \$ 951.00 | \$ 1,000.00 | \$ 180.72 | \$ 38.04 | |
| | 10/1/09 | 3/2/10 | \$ 951.00 | \$ 951.00 | \$ 180.72 | \$ 38.04 | |
| | 11/1/09 | 3/29/10 | \$ 951.00 | \$ 951.00 | \$ 180.72 | \$ 38.04 | |
| | 11/1/09 | 4/2/10 | \$ (951.00) | \$ (951.00) | \$ 180.72 | \$ (38.04) | NSF 1ST |
| | 11/1/09 | 4/2/10 | \$ 951.00 | \$ 951.00 | \$ 180.72 | \$ 38.04 | |
| | 11/1/09 | 4/8/10 | \$ (951.00) | \$ (951.00) | \$ 180.72 | \$ (38.04) | NSF 2ND |
| | 11/1/09 | 4/14/10 | \$ 951.00 | \$ 951.00 | \$ 180.72 | \$ 38.04 | |
| | 12/1/09 | 6/3/10 | \$ 950.00 | \$ 950.00 | \$ 180.72 | \$ 38.04 | |
| | 1/1/10 | 9/3/10 | \$ 950.00 | \$ 950.00 | \$ 180.72 | \$ 38.04 | |
| | 1/1/10 | 9/13/10 | \$ (950.00) | \$ (950.00) | \$ 180.72 | \$ (38.04) | NSF 1ST |
| | 1/1/10 | 9/13/10 | \$ 950.00 | \$ 950.00 | \$ 180.72 | \$ 38.04 | |
| | 1/1/10 | 9/17/10 | \$ (950.00) | \$ (950.00) | \$ 180.72 | \$ (38.04) | NSF 2ND |
| | 1/1/10 | 9/29/10 | \$ 950.00 | \$ 950.00 | \$ 180.72 | \$ 38.04 | |
| | | | | \$ 341.08 | | | |

12 mos Jan 2011
 1/1/10 Feb 2011 → 13 mos